REMARKS

Claims 1 through 12, 14 through 20, 23 through 26, and 27 through 33, remain pending in this case. Claims 1, 14 and 27 have been currently amended.

Applicant has amended the claims to better clarify and distinguish the present invention from the prior art, to correct grammatical errors and ambiguities produced during translation from Japanese to English language, and to improve the reading of the claims.

The Office Action states that claims 1-12, 14-20, and 23-33 stand "rejected under 35 U.S.C. 103(a) as being unpatentable over Keiser et al. (US 6,505,174)." The rejection is hereby traversed and reconsideration is respectfully requested.

Applicant respectfully requests the Examiner to reconsider the teachings of Keiser et al., which on close review by Applicant clearly does not make obvious Applicant's invention as claimed. The Keiser system is distinguished from Applicant's system below.

Keiser et al. discloses a system for implementing an automated securities trading system that employs an automated specialist function to create a market for the securities traded and to lessen the volatility of smaller securities markets. The automated specialist function is programmed to engage in trading in the market to offset the price volatility and provide liquidity to the market. (see Col. 1, lines 51-54).

In effect, the automated specialist function acts as a ghost trader for a security in order to generate trading activity so that adjusted market control factors take effect. The central theme of the Keiser et al. system is implementing the matching of buy orders to sell orders and then generating a market price through the use of a virtual specialist program executed by a server computer. The virtual specialist program handles fulfillment of buy and sell orders, and responds to any imbalance in the matching of the buy and sell orders. (see Col. 3, lines 29-35 and Col 6, lines 40-58).

Keiser et al. does teach the use of an automated specialist function to implement buying and selling orders from traders, set market price based on supply and demand, and participates in the market as a trader in order to minimize price volatility. However, Keiser et al. fails to disclose a system that provides a user (i.e., trader) with real-time advice on asset management tailored to the user's investment scenario, as if the user is being counseled by a professional adviser, and implements transactions based on the user's decisions or judgments, as presently claimed by Applicant in Claims 1, 14 and 27. In fact, Applicant's present invention provides the user with management advice data to advise what kind of brands or investments are suitable at present and whether the brands or investments should be sold or purchased in accordance with the selected investment scenario as described on page 10, lines 24-33 of the Specification.

Keiser et al. further does not teach the use of real-time up-to-date information relating to the assets to be traded including qualitative and quantitative date, and taking into account such information, when generating and furnishing the asset

management advice to the user relative to the corresponding investment scenario as claimed by Applicant. Additionally, Keiser et al. fails to disclose the use of animation characters as set to a respective investment scenario to furnish the management advice data to the user as claimed in Claim 14. Accordingly, there is no reason or motivation provided in the reference or the prior art for using the asset management advice system claimed by Applicant.

Claims 1, 14 and 27 as currently amended are not anticipated or made obvious by the teaching of this reference individually or in combination with the prior art. More specifically, the cited reference does not teach or even suggest using an asset management advice system that furnishes advice to a user with regard to purchasing or selling particular investment assets based on real-time up-to-date information that could affect the current or future desirability of the investment assets referred. Nowhere in the reference is the combination of elements of Claims 1, 14 and 27 (currently amended) taught or even suggested. Accordingly, Claims 1, 14, and 27 as currently amended are patentable over Keiser et al., individually or in combination with the prior art. Claims 2-12, 15-20, 23-26, and 28-33 are each dependent from one of Claims 1, 14, and 27 as currently amended. Accordingly, claims 2-12, 15-20, 23-26, and 28-33 are patentable for at least the same reasons as the one of claims 1, 14 and 27 (each currently amended), from which they depend.

Applicant would like to bring to the Examiner's attention that case law clearly supports the above discussion that Keiser et al. do not make Applicant's invention as claimed obvious especially when the reference fails to teach or even suggest the

elements of Applicant's invention as claimed. Also, the case law is clear in guarding against the use of hindsight in reading Applicant's invention into the prior art, which art is clearly not disclosing the Applicant's invention as claimed. Applicant would like to bring the following case to the Examiner's attention:

The Supreme Court in Calmar, Inc. v. Cook Chemical Co., 383 U.S. 1, 86, in which the Court warns the dangers of "slipping into hindsight", citing the case of Monroe Auto Equipment Co. v. Heckethorn Mfg. & Supply Co., 332 F.2d 406, 141 U.S.P.Q. 549 (6th Cir, 1964), where the doctrine is stated:

> We come to the patented device which after all is the subject matter of this case. At the outset we take note of two well-established principles. The first is that in considering the questions of obviousness, we must view the prior art from the point in time prior to when the patented device was made. Many things may seem obvious after they have been made and for this reason, courts should guard against slipping into use of hindsight. We must be careful to "view the prior art without reading into that art the teachings of appellant's invention. Application of Sporck, 301 F.2d 686, 689 (C.C.P.A.).

In view of the foregoing, Applicant submits that the present invention is in condition for allowance and early passage to issue is therefore deemed proper and respectfully requested. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

It is believed that no additional fee is due. However, if any additional fee is due, it should be charged to Deposit Account No. 23-0510.

Respectfully submitted,

Kenneth Watov

Kenneth Watov, Esquire
Registration No. 26,042
Attorney for Applicant

Address All Correspondence to:
Kenneth Watov. Esq.
Watov & Kipnes, P.C.
P.O. Box 247
Princeton Junction, NJ 08550
(609) 243-0330

030806/8941008.AMD-2